

REMARKS

In accordance with the foregoing, claim 1 has been amended.

Claims 1-7 are pending and under consideration.

OBJECTION TO THE SPECIFICATION:

On page 2 of the Office Action, the Summary of the Invention is objected to for informalities. According to 37 CFR 173, a brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed. Further, according to MPEP 608.01(e), since the purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention, the summary should be directed to the specific invention being claimed, in contradistinction to mere generalities which would be equally applicable to numerous preceding patents. The brief summary of invention should be consistent with the subject matter of the claims.

After reviewing the Summary of the Invention of the present application, Applicant respectfully asserts that the Summary of the Invention does comply with current Patent rules and the MPEP. Accordingly, it is respectfully requested that the objections to the Specification be withdrawn.

Further, on pages 2 and 3 of the Office Action, the abstract is objected to because it does not contain key components of the invention and is not properly understood.

Applicant respectfully traverses such assertion. However, according to MPEP 608.01(b) and 37 CFR 1.72, the purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

Applicant hereby submits that the abstract does provide the key components of the invention, as well as, a general description of the invention. Accordingly, it is respectfully requested that the objections to the abstract be withdrawn.

REJECTION UNDER 35 U.S.C. § 112:

In the Office Action, at page 3, claims 2-7 are rejected under 35 U.S.C. § 112, first paragraph, for enablement.

This rejection is traversed and reconsideration is requested.

According to the Office Action, there is insufficient support for the recitations of dependent claim 2. In response, for instance, Applicant refers to FIG. 4 and corresponding description as providing support for such recitations.

According to the Office Action, there is insufficient support for the recitations of dependent claim 3. In response, for instance, Applicant refers to FIGS. 6-8 and corresponding descriptions as providing support for such recitations.

According to the Office Action, there is insufficient support for the recitations of dependent claim 4. In response, for instance, Applicant refers to FIGS. 3, 5, and 9 and corresponding descriptions as providing support for such recitations.

According to the Office Action, there is insufficient support for the recitations of dependent claim 5. In response, for instance, Applicant refers to FIG. 3 and corresponding description as providing support for such recitations.

According to the Office Action, there is insufficient support for the recitations of dependent claim 6. In response, for instance, Applicant refers to FIG. 3 and corresponding description as providing support for such recitations.

According to the Office Action, there is insufficient support for the recitations of dependent claim 7. In response, for instance, Applicant refers to FIGS. 6-8 and corresponding descriptions as providing support for such recitations.

REJECTION UNDER 35 U.S.C. § 102:

In the Office Action, at page 5, claims 1, 2, and 4-7 are rejected under 35 U.S.C. § 102 in view of Turner et al. (U.S. Pub. No. 2003/0177030 A1) ("Turner"). This rejection is traversed and reconsideration is requested.

Turner generally provides a password associated with patient information and, thereby, using the password as authentication. However, Turner fails to teach or suggest, "a disclosure

procedure executing section that ... transmits the information on the specific individual and the information disclosure items registered for the specific individual to the communication line network toward the information requesting origin when the information disclosure procedure has been satisfied," as recited in independent claim 1. Support for such recitation may be found, for instance, on page 15, lines 1-24 of the present application.

Turner, instead, generally provides a data storage device 18 to store patient information that is transmitted via information system 10. See paragraphs [0022] to [0030] of Turner. Once stored, this information can be accessed at a later time by caregivers, responsible parties, or the patient himself using a password. Also, access may be provided off-line. Turner is silent as to further transmitting "the information on the specific individual and the information disclosure items registered for the specific individual to the communication line network toward the information requesting origin when the information disclosure procedure has been satisfied," as recited in independent claim 1.

Thus, it is asserted that Turner fails to teach or suggest all the recitations of independent claim 1. It is respectfully requested that independent claim 1 and related dependent claims be allowed.

REJECTION UNDER 35 U.S.C. § 103:

In the Office Action, at page 10, claim 3 is rejected under 35 U.S.C. § 103 in view of Turner in view of Platenghe (EP 0950972 A2) ("Platenghe"). The rejection is traversed and reconsideration is requested.

Because claim 3 depends from base claim independent claim 1, Turner and Platenghe, individually or combined, must teach all the claimed features of independent claim 1. The arguments presented above supporting the patentability of independent claim 1 in view of Turner are incorporated herein. It is respectfully requested that independent claim 1 and related dependent claims be allowed.

Platenghe generally provides a system and method for securely storing, managing, and updating an owner's secret data and accessing the stored data by a trusted third party upon the occurrence of an event, such as death of the owner. However, similarly to Turner, Platenghe fails to teach or suggest, transmitting "the information on the specific individual and the information disclosure items registered for the specific individual to the communication line

network toward the information requesting origin when the information disclosure procedure has been satisfied," as recited in independent claim 1. Platenghe is silent as to providing such recitation.

Further, the motivation provided in the Office Action to combine the references is "to facilitate a caring person to access the information of an individual during the emergency time. The caring persons to provide necessary help to the person in emergency situations can use the secure but necessary information of an individual." "It is fundamental that rejections under 35 U.S.C. §103 must be based on evidence comprehended by the language of that section." See In re Lee 61 USPQ2d 1430 (CA FC 2002) (citing In re Grasselli, 713 F.2d 731, 739, 218 USPQ 769, 775). However, nothing in either reference suggests or supports the purported combination of the references set forth in the Office Action. Neither reference provides for the facilitation as suggested in the Office Action.

If the U.S. Patent and Trademark Office wishes to take Official Notice that the proposed structural and functional modification is notoriously well known, we suggest requesting to the Examiner that supporting evidence be provided. The Federal Circuit has cautioned that an Examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. In re Rouffet, 47 USPQ2d 1453, 1458 (Fed. Cir. 1998).

While "official notice" may be relied upon, as noted in MPEP §2144.03, these circumstances should be rare when an application is under final rejection or action under 37 CFR §1.113. Official Notice unsupported by documentary evidence should be only be taken by the Examiner where the facts asserted to be well known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known and only when such facts are of notorious character and serve only to "fill in the gaps" which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. Further, we suggest indicating that the Applicants should be presented with the explicit basis on which the Examiner regards the matter as subject to official notice sufficient to allow the applicant a proper opportunity to challenge that assertion.

No such showing has been made in the present Office Action. It is submitted that the reason why no such showing was made is because either cited reference fails to teach, suggest, or otherwise provide the motivation needed to make such a modification. "To support the

conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination. It is to be noted that simplicity and hindsight are not proper criteria for resolving the issue of obviousness." Ex Parte Clapp, 227 USPQ 972, 973 (B.P.A.I. 1985).

Accordingly, it is respectfully requested that independent claim 1 and related dependent claim 3 be allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, the application is submitted as being in condition for allowance, which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner's contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 3, 2004

By: Alicia M. Choi
Alicia M. Choi
Registration No. 46,621

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

CERTIFICATE UNDER 37 CFR 1.8(a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 3, 2004
By: Alicia M. Choi
Date: June 3, 2004